

Board of Trustees of the Village of Walden
Regular Meeting
Tuesday, July 21, 2020, 6:30P.M.
One Municipal Square
The Agenda

The July 21, 2020 Village Board meeting will be conducted in accordance with the applicable Executive Orders heretofore issued by New York State Governor Andrew Cuomo suspending certain provisions of the New York State Open Meetings Law. Accordingly, physical attendance by the public at the meeting will not be permitted. The public may view the meeting live by logging in to the Village's Facebook page at <https://www.facebook.com/villageofwalden>

Public comment will be accepted at the meeting when permitted through the Facebook Livestream. Written comments will be accepted for a period of ten (10) days following the meeting. Written comments may be submitted by email at mkraus@villageofwalden.org or by regular mail to 1 Municipal Square, Walden, NY 12586.

1. Call to Order / Pledge of Allegiance
2. Roll Call
3. Public Hearing – Zoning Code Amendment
4. Village Manager's Report
5. Approval of Minutes – July 7, 2020
6. Business of the Board of Trustees
 - A. Zoning Code Amendment
 - B. Resolution 5-20-21 – Budget Transfers
 - C. Revised Tax Warrant
 - D. Franco's Outdoor Café Request
 - E. Sweeney's Outdoor Café Request
 - F. Intro Local Law 3 of 2020 – Donation Boxes
 - G. Discussion – Potential 4 Year Terms
 - H. Discussion – September Meeting Dates
7. Payment of the Audited Bills
8. Correspondence
9. Miscellaneous Comments from the Board of Trustees
10. Executive Session – Personal History of a Particular Person, 105F

11. Adjournment

BOARD OF TRUSTEES OF THE VILLAGE OF WALDEN
RESOLUTION 5-20-21

A RESOLUTION AMENDING THE DULY ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING
JUNE 1, 2019 AND ENDING MAY 31, 2020 TO TRANSFER FUNDS

WHEREAS the Board of Trustees approval of a budget transfer or amendment is required prior to spending in excess of the legal level of budget control; and

WHEREAS money is available in budgeted expenditure accounts to accommodate the required transfers; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Walden does hereby amend the duly adopted budget for the fiscal year commencing June 1, 2019 and ending May 31, 2020 to transfer funds as following:

Request/Rationale: To move funds within Clerk Lines

<i>Budgets to Decrease</i>			<i>Budgets to Increase</i>		
Account Number	Description	Amount	Account Number	Description	Amount
A.1410.40		\$	A.1410.10	Clerk. Personal	\$
1.000	Clerk. Office Expense	(801.34)	0	Services	801.34
		\$			\$
		<u>(801.34)</u>			<u>801.34</u>

Request/Rationale: To move funds within Building Maintenance Lines

<i>Budgets to Decrease</i>			<i>Budgets to Increase</i>		
Account Number	Description	Amount	Account Number	Description	Amount
A.1620.47		\$	A.1620.43		\$
1.000	Building. Electricity	(6,950.22)	6.000	Building. Bulbs	593.63
		\$	A.1620.44	Building. Building	\$
		<u>(6,950.22)</u>	0.000	Maintenance	6,303.85
			A.1620.46		\$
			6	Building. Leases	52.74
					\$
					<u>6,950.22</u>

Request/Rationale: To move funds within Police Budget Lines

<i>Budgets to Decrease</i>			<i>Budgets to Increase</i>		
Account Number	Description	Amount	Account Number	Description	Amount
A.3121.10	Foot Patrol(Part Time).	\$	A.3120.10	Police. Personal	\$
0	Personal Services	(22,672.62)	0	Services	8,757.81
A.3120.46		\$	A.3120.12		\$
0	Police. Education	(276.94)	0	Police. Overtime	13,914.81
A.1222.40	Dispatching. Office	\$	A.3120.40	Police. Office	\$
1	Expense	(1,082.61)	1	Expense	156.53
			A.3120.40		\$
			3	Police. Investigations	120.41
			A.3122.40	Dispatching.	\$
			8	Telephone Internet	698.40
			A.3122.40	Dispatching. Cell	\$

9	Phone Expense	384.21
		\$
		<u>24,032.17</u>

	\$
	<u>(24,032.17)</u>

Request/Rationale: To move funds in Safety Inspection Lines

<i>Budgets to Decrease</i>		
Account Number	Description	Amount
A.3620.40	Safety Inspection. Office	\$
1	Exp	(35.56)
A.8020.10		\$
0	Planning. Office Exp	(305.54)
		\$
		<u>(341.10)</u>

<i>Budgets to Increase</i>		
Account Number	Description	Amount
A.3620.20	Safety Inspection.	\$
1.000	Office Equ	35.56
A.8020.10	Planning. Personal	\$
0.000	Services	305.54
		\$
		<u>341.10</u>

Request/Rationale: To move funds in Street Maintenance/Street Lighting/Street Cleaning

<i>Budgets to Decrease</i>		
Account Number	Description	Amount
A.5110.40	Street Maintenance.	\$
8	Telephone	(45.36)
A.5110.49		\$
0	Street Maintenance. Misc.	(5,016.35)
A.8170.41	Street Cleaning. Equip	\$
3	Maintenance	(23.00)
		\$
		<u>(5,084.71)</u>

<i>Budgets to Increase</i>		
Account Number	Description	Amount
A.5110.40	Street Maintenance.	\$
9	Cell Phone	45.36
A.5182.47	Street Lighting.	\$
1	Electricity	5,016.35
A.8170.41	Street Cleaning. Mat	\$
0	& Supplies	23.00
		\$
		<u>5,084.71</u>

Request/Rationale: To move funds in Parks & Recreation Lines

<i>Budgets to Decrease</i>		
Account Number	Description	Amount
A.7020.40		\$
8	Rec Adm. Telephone	(151.00)
A.7110.45		\$
1.BRD	Parks. Park Maint. Bradley	(4,726.36)
A.7110.45		\$
1.OLL	Parks. Park Maint. Olley	(4,126.57)
A.7110.47		\$
1	Parks. Electricity & Nat Gas	(3,464.55)
A.7110.49		\$
2	Pars. Prop Maintenance	(2,236.57)
		\$
		<u>(14,705.05)</u>

<i>Budgets to Increase</i>		
Account Number	Description	Amount
A.7020.40		\$
9.00	Rec Adm. Cell Phone	151.00
A.7110.44		\$
9	Parks. Equip Repairs	14,285.10
A.8560.49	Comm	\$
0.000	Beautification. Misc	268.95
		\$
		<u>14,705.05</u>

Request/Rationale: To move funds in Water Fund Lines

<i>Budgets to Decrease</i>		
Account Number	Description	Amount

<i>Budgets to Increase</i>		
Account Number	Description	Amount

F.8310.46 \$
 0.000 Water. Education (1,280.21)
 F.8320.49 \$
 0.000 Water. Misc (930.24)

 \$
(2,210.45)

F.8310.40 \$
 6.000 Water. Postage 185.50
 F.8310.40 \$
 9.00 Water. Cell Phone 43.57
 F.8310.45 \$
 4 Water. Gas Oil Lube 1,051.14
 F.8320.40 Water. Pumping & \$
 4 Testing 330.00
 F.8320.48 Water. Power & \$
 7 Pumping 131.14
 F.8340.41 Water. Material & \$
 0.00 Supplies 469.10

 \$
2,210.45

Request/Rationale: To move funds in Sewer Fund Lines

<i>Budgets to Decrease</i>		
Account Number	Description	Amount
G.8130.47	Sewer. Electricity & Natural	\$
1	Gas	(20,649.11)
G.8110.48		\$
9	Sewer. Engineering	(5,425.68)
G.8110.46		\$
0	Sewer. Education	(506.02)
G.9089.80	Sewer. Other Employee	\$
0	Benefits	(63.86)

		\$
		<u><u>(26,644.67)</u></u>

<i>Budgets to Increase</i>		
Account Number	Description	Amount
G.8110.10	Sewer. Personal	\$
0	Services	9,321.34
G.8110.40		\$
6	Sewer. Postage	185.51
G.8110.40		\$
8	Sewer. Telephone	5.62
G.8110.45	Sewer. Generator	\$
9	Repairs	422.38
G.8120.41		\$
3	Sewer. Equ Main	743.44
G.8120.47	Sewer. Electrical	\$
2	Main	87.71
G.8130.20		\$
0	Sewer. Equipment	2,566.29
G.8130.41	Ser. Material &	\$
0	Supplies	16.05
G.8130.45		\$
8	Sewer. Landfill	13,232.47
G.9030.80		\$
0	Sewer. Social Security	49.23
G.9035.80		\$
0	Sewer. Medicare	11.52
G.9090.80		\$
0	Sewer. MTA Tax	3.11

		\$
		<u><u>26,644.67</u></u>

Motion to adopt by and seconded by . The vote was ayes and nays with abstentions and absences. The Mayor declared the resolution adopted on July 17, 2020.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Village of Walden at a regular meeting held on July 17, 2020. Public notice was given and the meeting was conducted in full compliance with the New York Open Meeting Law (Public Officers Law, Sections 100-111). Minutes of the meeting will be available as provided by law.

Marisa Kraus, Village Clerk (Seal)

Tax Warrant

To: Kelly A. Kelly, Village Treasurer of the Village of Walden

You are hereby commanded to receive and collect from the several persons named in the assessment roll, hereunto annexed, the several sums named in the last column thereof opposite their names, for the following purposes:

For the General Fund	\$ 5,368,336.00
Liens for Services Rendered	\$ 50,824.00
Omitted Taxes	\$ 5,573.12
Unpaid Refuse Bills	\$ 21,052.36
Unpaid Water/Sewer Bills	\$ 300,040.67
Unpaid Commercial Refuse	\$ 20,657.23
2020-21 Residential Refuse Fees	\$ 686,208.00
<hr/>	
Total for all purposes	\$ 6,431,639.02

Upon receipt of the roll and warrant by you, and on or before the 1st day of June, you shall cause to be published in the official paper of the Village, once a week for two consecutive weeks, a notice that such tax warrant and roll have been left with you for the collection of taxes therein levied, and shall designate one or more convenient places in the village where you will receive taxes from June 1st to and including June 30th from 7:30 a.m. until 4:30 p.m. Monday through Thursday and Fridays 8am to 12pm, except Saturdays, Sundays, and holidays; for said period of time you will receive all taxes paid to you without any additional charge; on all such taxes remaining unpaid after July 1st, interest of 5% shall be added for the month of July and an additional 1% for each month and fraction thereof thereafter until paid.

After the first day of July you shall proceed to collect the taxes remaining unpaid, with interest as hereupon provided, but without any other fee or charge, and for that purpose you are possessed of all of the powers of a town tax collector.

All interest collected shall belong to the Village. All unpaid taxes shall be turned over to the County Treasurer on November 1, 2020 to be re-levied.

You are to make a return of this warrant on or before the 1st day of February after the delivery thereof to you, showing the total amount of taxes paid and each tax unpaid, with the receipt of the Village Treasurer for all taxes paid to him, and shall file the roll and warrant in the office of the Village Clerk.

And for so doing this shall be your sufficient warrant.

IN WITNESS THEREOF: The Board of Trustees of said Village of Walden has caused these presents to be signed, by its Mayor and Village Clerk and the seal of the Village is hereunto affixed, this 17th day of July, 2020.

Susan Rumbold, Mayor

Marisa Kraus, Village Clerk

Date

McKinney's Village Law § 7-700
§ 7-700 Grant of power

Currentness

For the purpose of promoting the health, safety, morals, or the general welfare of the community, the board of trustees of a village is hereby empowered, by local law, to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. As a part of the comprehensive plan and design, the village board is empowered by local law, to regulate and restrict certain areas as national historic landmarks, special historic sites, places and buildings for the purpose of conservation, protection, enhancement and perpetuation of these places of natural heritage. Such regulations shall provide that a board of appeals may determine and vary their application in harmony with the general purpose and intent, and in accordance with general or specific rules therein contained.

Credits

(L.1972, c. 892, § 3.)

Editors' Notes

PRACTICE COMMENTARIES

by Terry Rice

Village Law § 7-700 constitutes the general grant of zoning authority to villages. Although not constituting a complete delegation of the police power authority, the authority to regulate land uses within a community constitutes a relatively broad grant of authority.

Local governments are instrumentalities of the State of New York. As creatures of the state, municipalities enjoy no inherent right to zone property and must exercise such powers within the bounds specifically or impliedly set by state law. See [*Golden v. Planning Board of the Ramapo*, 30 N.Y.2d 359, 370, 334 N.Y.S.2d 138, 145, 285 N.E.2d 291, 296 \(1972\)](#). In addition to a delegation of authority with respect to specific areas, Village Law § 7-700 also contains general language regarding the promotion of public health, safety, morals and the general welfare. However, the Court of Appeals has often cautioned that statutory invocations of the “general welfare” must not be allowed to obscure the limitations which the Legislature has imposed upon the devolution of specific powers. See, [*Golden*, 30 N.Y.2d at 370, 334 N.Y.S.2d at 145, 285 N.E.2d at 296-97](#); [*FGL & L Prop. v. City of Rye*, 66 N.Y.2d 111, 115, 495 N.Y.S.2d 321, 324, 485 N.E.2d 986, 989 \(1985\)](#); [*DeSena v. Gulde*, 24 A.D.2d 165, 170-171, 265 N.Y.S.2d 239, 245 \(2d Dept. 1965\)](#) (“though general welfare, as a term of art, may be synonymous with the police power ... the police power to promote general welfare is not plenary ... nor, indeed, can the municipal exercise of zoning power venture beyond the limits of its grant from the Legislature In short, the zoning ordinance must ... fit within the statutory delegation of power There is no transcendental or magical effect from the use of term ‘general welfare’ in justifying the adoption of the ordinance.”).

The decision in [*Louhal Properties, Inc v. Strada*, 191 Misc.2d 746, 743 N.Y.S.2d 810 \(Sup. Ct. Nassau Co. 2002\)](#), *aff'd*, [307 A.D.2d 1029, 763 N.Y.S.2d 773 \(2d Dept. 2003\)](#), illustrates the applicable principles and that zoning laws which seek to regulate the details of a business generally exceed the authority delegated to municipalities. The operator of a 7-Eleven store who intended to operate the business 24-hours per day, challenged an amendment to a zoning law which prohibited businesses located within 100 feet of residentially-zoned property from operating between 11:00 p.m. and 6:00 a.m. The property was located in a business district in which the intended use was permitted by right. The amendment was prompted by the complaints of residential neighbors regarding other all-night businesses and the feared cumulative effect of a proliferation of such uses. Because the amendment effectively prohibited 7-Eleven's proposed use of the property, it challenged the amendment, contending that it was beyond the authority delegated to the village pursuant to Village Law § 7-700, the identical counterpart to [Town Law § 261](#) and that the amendment was an unconstitutional exercise of the police power which deprived 7-Eleven of the use of the property without due process of law.

To constitute a valid exercise of zoning authority, a zoning regulation must “further a legitimate object and utilize a method of achieving it authorized by the state zoning enabling act.” [191 Misc.2d at 751, 743 N.Y.S.2d at 813](#) (quoting 1 Rathkopf on Zoning § 2.03[4][f]). Additionally, “[a] zoning restriction ‘imposed for considerations or purposes not embodied in an enabling act will be held as invalid, not as exceeding the scope of the police power per se, but as an ultra vires act beyond the statutory authority delegated.’ ” *Id.* (quoting Rathkopf at § 2.03[7][a]).

Village Law § 7-700 constitutes the delegation of zoning authority to villages and enumerates permissible purposes for zoning enactments, all of which relate to “the physical use of land (e.g. size, height, and number of stories of buildings and other structures, percentage of land that may be occupied, the location and use of buildings, structures of land for trade, industry, residence or other purposes, etc.)” *Id.* Consistent therewith, zoning authority may only be utilized “in relation to the use of land and not for the accomplishment of purposes extraneous to that relation.” *Id.* at 751, [743 N.Y.S.2d at 813-14](#). (quoting [DeSena v. Gulde](#), [24 A.D.2d 165, 171, 265 N.Y.S.2d 239, 246 \(2d Dept. 1965\)](#)).

In distinguishing authorized and impermissible land use regulations, case law differentiates between “regulations that directly relate to the physical use of land and those that regulate the manner of operation of a business or other enterprise.” *Id.* at 751, [743 N.Y.S.2d at 814](#) (citing [St. Onge v. Donovan](#), [71 N.Y.2d 507, 527 N.Y.S.2d 721, 522 N.E.2d 1019 \(1988\)](#)). Land use laws that relate directly to the physical use of land regulate the utilization of land or the potential impact of land use on neighboring properties. Such regulations involving “physical externalities” such as light, air quality, safety, population density, traffic, property values, environmental concerns and aesthetics, generally are sustained. On the other hand, regulations that restrict the details of operation or manner of on-site use which do not impact neighboring properties are generally considered to be invalid, bearing an insufficient relationship to the physical use of land. See, e.g., [Summit School v. Neugent](#), [82 A.D.2d 463, 442 N.Y.S.2d 73 \(2d Dept. 1981\)](#); [Schlosser v. Michaelis](#), [18 A.D.2d 940, 238 N.Y.S.2d 433 \(2d Dept. 1963\)](#).

The concept of what relates to the physical use of the land often is broadly construed to

include restrictions on the manner or operation of a business where its purpose substantially relates to the prevention of a significant deleterious impact on neighboring properties or the community. See, e.g., *St. Onge, supra*; [Town of Huntington v. Sudano, 42 A.D.2d 791, 346 N.Y.S.2d 582 \(2d Dept. 1973\)](#).

Citing the decision in [Old Country Burgers Co., Inc. v. Town Board of the Town of Oyster Bay, 160 A.D.2d 805, 553 N.Y.S.2d 843 \(2d Dept. 1990\)](#), the *Louhal Properties* court rejected the village's attempt to rationalize the regulation as within the first group as a category of land use consisting of those operating 24-hours per day. Further, no evidence was provided to indicate that overnight business operations *per se* have a greater impact on neighboring properties than other businesses. Concerns regarding traffic, garbage and parking problems were unrelated to the hours of operation and could be associated with virtually any business use. The court concluded that pursuant to *Old Country Burgers* "absent substantial evidence showing the external impact of the land use in question, a restriction on hours of operation must be deemed an impermissible attempt to regulate the details of the operation of a business" and, therefore, to constitute an invalid exercise of the police power.

The law was further determined to be unconstitutional as an unreasonable regulation. Local governments possess the authority to regulate business to protect the public health, safety and general welfare. In assessing the reasonableness of a law regulating business operations, "there must be (i) some 'real or substantial evil (not necessarily a dire emergency) that the regulation is designed to cure; and (ii) a reasonable relation between such menace and the remedy proposed.'" *Id.* at 754-55, 734 N.Y.S.2d at 816 (*quoting Cowan v. City of Buffalo, 247 A.D. 591, 594, 288 N.Y.S. 239, 244 (4th Dept. 1936)*). Such a regulation will be invalidated if it is arbitrary, capricious or unreasonable or if the remedy enacted is "unduly oppressive." See [People v. Bunis, 9 N.Y.2d 1, 210 N.Y.S.2d 505, 172 N.E.2d 273 \(1961\)](#). The record lacked any evidence of a substantial evil from the hypothetical impacts that was required to be addressed. Further, even if the feared harm had been substantiated, the remedy formulated by the law did not bear a reasonable relationship to the purported harm. Firstly, the legislation was overly broad because, in addition to potentially harmful conduct, it also proscribed conduct which did not pose a threat to the public welfare. The provisions of the law prohibited the operation of any business within 100 feet of residential property during prohibited hours, including those which did not produce any disturbing effects. Secondly, the legislation was not "well adapted" to solve the problem it sought to address. The amendment was addressed not to the operation of a business itself, but to the secondary deleterious consequences produced by it. The law, the court opined, "would prohibit an accountant from seeing a client after 11:00 p.m., but would have no effect on late-night residential parties, bars and clubs serving alcohol, or noisy traffic in certain residential neighborhoods. While a law need not pose a complete solution to a particular problem, it should not operate illogically, especially where it does so at the expense of private business owners." 191 Misc.2d at 756, 734 N.Y.S.2d at 817.

In a companion decision, the Appellate Division also annulled the Village's amended version of the same law in [Westbury Trombo, Inc. v. Board of Trustees of the Village of Westbury, 307 A.D.2d 1043, 763 N.Y.S.2d 674 \(2d Dept. 2003\)](#). The village adopted a local law which prohibited the operation of businesses between the hours of 11:00 P.M. and 6:00 A.M. of the following day on land zoned for any business, industrial, or

residential parking district that either abuts, or is within 100 feet of, any land zoned for residential or apartment use. In addition, as with the prior version of the law, a special permit was required in order to operate any business or industrial use between the hours of 11:00 P.M. and 6:00 A.M., even if such use was located more than 100 feet from any land zoned for residential or apartment use. The petitioner's property is located in a business district. The petitioner's business was impermissible pursuant to the foregoing law because it was proposed to be located on property that abutted a residential district and would operate between the hours of 11:00 P.M. and 6:00 A.M. Relying on the decision in *Louhal Properties*, the petitioner claimed that the provisions were unconstitutional and invalid.

Again invalidating the restrictions, the court determined that the record failed to substantiate the basis for the draconian restrictions. "Assuming, without deciding, that Village Law § 7-700 authorized the Board to enact a local law prohibiting a restaurant or 'fast food' business from operating within its jurisdiction, or subjecting such a business to an otherwise inapplicable requirement that it obtain a special use permit or variance, based solely on the fact that the business would operate between the hours of 11:00 P.M. and 6:00 A.M. (citations omitted), the exercise of such power must be supported, at the very least, by evidence showing that the 'atmosphere of the surrounding area' would be adversely affected by the presence of such an overnight business." [307 A.D.2d at 1044-45, 763 N.Y.S.2d at 676 \(quoting *St. Onge v. Donovan*, 71 N.Y.2d 507, 518, 527 N.Y.S.2d 721, 726, 522 N.E.2d 1019, 1024 \(1988\)\)](#). The court concluded that the local law did not constitute a valid exercise of a municipality's zoning authority pursuant to Village Law § 7-700 because generalized concerns of neighbors uncorroborated by empirical evidence is not probative of deleterious impacts and because property rights may not be impaired based on the "whims of an articulate minority * * * of the community." *Id.* at 1045, [763 N.Y.S.2d at 676 \(quoting *St. Onge*, 71 N.Y.2d at 518, 527 N.Y.S.2d at 726, 522 N.E.2d at 1024\)](#).

The court also found that the laws could not be sustained pursuant to the Village's general police powers because there was insufficient evidence to support the conclusion that the existence of a retail business that operates 24 hours a day in the vicinity of a residential area has any detrimental impact on the health, safety, welfare, or morals of the community.

These decisions confirm that zoning laws may only regulate the physical use of land and the impermissibility of the regulation of the operational details of a business. Zoning regulations that seek to control the operation of a business generally are unauthorized, at least, where they do not deleteriously impact neighboring properties. Because zoning deals with the physical use of land such regulations exceed the scope of delegated or permissible regulation.

OUTDOOR CAFÉ' APPLICATION

APPLICANT/OWNER

DATE:

6/23/2020

NAME: FRANCIS ~~ADDER~~ LO PICCOLI

ADDRESS: 74 OAK ST

TELEPHONE NUMBER: 845 778 7574 / 728 9714

E-MAIL ADDRESS: FRANCISBENCROFT@YAHOO.COM

LOCATION:

ESTABLISHMENT NAME: FRANCIS PIZZA

ADDRESS: 74 OAK ST

TELEPHONE NUMBER: 845 778 7574

TAX MAP NUMBER: SECTION 306, BLOCK 1, LOT 23.1

REQUESTED DAYS/HOURS OF PERMIT:

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

REQUIREMENT INFORMATION:

1. The number of tables and chairs desired for this area and a rendering of positions of tables relative to entrances, exits and the sidewalk.
2. A site plan and building plans drawn to scale showing proper clearance around the ingress and egress to buildings and to fire safeguards; also the proper amount of clearances on the sidewalk for pedestrian traffic.
3. Proof of insurance in the amount required.
4. An indication of all fixtures such as fencing, decking or planters to be used, and an indication of whether or not they will be removed when the café is closed.
5. A survey map indicating proper lines and that property which is owned by the applicant and that which is village owned.

THE FOLLOWING STANDARDS SHALL APPLY:

1. The proposed outdoor café will not reasonably interfere with the pedestrian traffic or use of village owned portion of property being used.
2. Applicant must meet all applicable provisions of 305-13 D

FEE:

The annual fee for processing the application is \$50.00 per permit. Permits that are issued are in effect from January 1st thru December 31st and must be renewed.

INSURANCE:

Certificate of Insurance naming the Village of Walden as additional insured must be presented to the Village at the time application is made in the amount of one million dollars (\$1,000,000.00) for each person, and one million dollars (\$1,000,000.00) for bodily injury and property damage.

REVOCATION OR SUSPENSION OF PERMIT:

The Village Board of Trustees shall have the authority to revoke or suspend a permit upon finding of a violation of any applicable rule, regulation, ordinance, local law or statute or upon good cause shown.

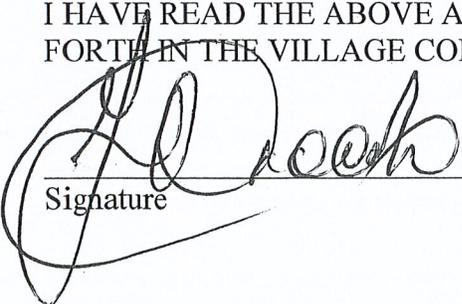
TRASH; MAINTENANCE OF PREMISES:

Property shall be cleaned and kept refuse free, and no large containers for trash shall be placed on the café premises. Public property shall not be altered in any way.

PERMITS:

After the application has been provided along with fees and insurances, the application will be placed in front of the Village Board for approval. Once approved, a permit will be issued.

I HAVE READ THE ABOVE AND AGREE TO ABIDE BY THE CONDITIONS SET FORTH IN THE VILLAGE CODE, CHAPTER 305, SECTION 305-13 D.



Signature

RECEIVED
MAY 3 2020
OFFICE OF VILLAGE
ENGINEERING



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/23/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: Melissa Ackerman	
Hunter Insurance Services, Inc		PHONE (A/C, No, Ext): (845) 778-1000	FAX (A/C, No): (845) 778-0100
70 Oak St		E-MAIL ADDRESS: melissa@hunterinsuranceservices.com	
Walden NY 12586		INSURER(S) AFFORDING COVERAGE	
		INSURER A: PREFERRED MUTUAL INS CO	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	
INSURED		NAIC #	
Franco's Brick Oven Pizza, Inc		15024	
74 Oak St			
Walden NY 12586-1040			

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		BOP0100733680	01/01/2020	01/01/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Village of Walden is included as additional insured.

CERTIFICATE HOLDER**CANCELLATION**

Village of Walden	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
One Municipal Square Walden NY 12586	AUTHORIZED REPRESENTATIVE <i>Melissa Ackerman</i>

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